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C O N F I D E N T I A L SECTION 01 OF 02 ISTANBUL 000369

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DEPARTMENT FOR EUR/SE AND DRL/IRF

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SUBJECT: ISTANBUL JEHOVAH'S WITNESSES AWAIT LEGAL STATUS

Classified By: U.S. Consul General Deborah K. Jones for reasons 1.4 (b) and (d).

¶1. (SBU) Summary: Jehovah's Witnesses continue to face obstacles from the Turkish bureaucracy in their efforts to form a legal association. Their members also face short prison terms for refusing to carry arms as part of their mandatory military service, due to their status as conscientious objectors. Their problems are similar to those faced by other religious groups not recognized by the Turkish state. End Summary.

Fighting the Bureaucracy: What are we Missing?

¶2. (C) Turkey's new associations law, adopted in 2004 as part of the EU harmonization process, enabled religious groups to form associations for the first time. Under the law, groups must register their charters with the state in order to be officially recognized. The Jehovah's Witnesses, active in Turkey since 1930 and numbering approximately 3,000, submitted the required charter in July 2005, but received a negative response one month later. Jehovah's Witness members James Andrick and Arbra Knapp shared with us the letter sent to them by the Istanbul Directorate of Associations. The letter stated that the group's proposed charter violated Article 24 of the Constitution, without explaining how. Moreover, the letter threatened founding members with a prison term of one to three years for alleged constitutional violation.

¶3. (C) In January 2006, an Istanbul prosecutor issued a written decision determining that the Jehovah's Witness charter did not violate the Constitution. In light of that decision, Andrick and Knapp told us that if municipal authorities do not approve their association application in about two weeks, their attorneys will contact the Directorate of Associations requesting a response. Municipal authorities could appeal the prosecutor's decision.

An Exercise in Frustration

¶4. (C) Jehovah's Witness contacts say Turkish authorities had asked them to "water down" their required mission statement, by removing religious references and calling themselves an NGO instead of a religious organization. This, they were told, would help them achieve recognition. The organization resisted this suggested change, but did prepare a new charter accepting more technical changes suggested by Directorate of Associations officials. Through contacts claim they received assurances that the charter would be approved within a week of its August 2005 submission, some five months later, the request remains pending.

¶5. (C) Istanbul's Provincial Associations Director Eyup

Dursun Ergur, told us March 3 that the Jehovah's Witness charter as originally submitted made reference to a "higher council" to which the group would be responsible, and that Turkish law does not allow for such an arrangement. (Note: He may be alluding to a portion of the charter text that says, "the purposes of the association are religious, informational, and charitable, including to be at the service of...the religious body of Christian organizations known as Jehovah's Witnesses..." End note.) Ergur posited that allowing such a provision could create a precedent that could serve (unspecified) "fringe" groups in the future. He indicated he would be content to allow the courts to settle whether or not the application satisfies Turkey's legal requirements before moving forward.

16. (C) Ergur expressed disappointment that statements he had intended to make "off the record" last year to visiting Jehovah's Witnesses' lawyers had appeared in letters sent to GOT officials. He lamented that the lawyers had not trusted him and his approach as he claimed he was sincerely searching for a solution. He had hoped they could be more "patient," he said, at one point adding that the process was for their protection -- "we just had a priest shot in Trabzon." In response to our observation that groups seeking to register themselves may become frustrated absent a transparent compliance process, Ergur offered his view that some (unspecified individuals) in the Ministry of Interior might not want to see the application approved. He did not speculate on next steps for this particular application.

Administrative hassles and worse

17. (SBU) Their continuing lack of legal standing makes it impossible for Jehovah's Witness organizations to open a bank

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account, establish a utility hook-up in the organization's name, or acquire property for religious services. Moreover, authorities have repeatedly sealed the doors of Jehovah's Witness Kingdom Halls on the grounds that the groups were not authorized to hold religious meetings.

18. (C) Contacts also advised of more troubling challenges. One adherent claimed that when registering for a passport, he was arrested for not having sung the Turkish National Anthem several years previously. He was detained for several hours before being released, and ultimately received his passport, but said officials told him he would be "watched." We experienced firsthand a blackout while meeting with members of the group; candles were immediately produced, with contacts telling us they routinely faced such power cuts, unlike their neighbors. Among the community's gravest complaints is a December 2005 bomb threat by an unspecified party to a Jehovah's Witness congregation in the Gaziosmanpasa district of Istanbul.

Taking on the Armed Forces

19. (SBU) Jehovah's Witnesses have been arrested in the past for publicly preaching, though most detentions have lasted only several hours. Other adherents have been arrested for not completing their compulsory military duty, eventually performing the service - sometimes unarmed duty - following a prison sentence of up to one month in several cases. Meanwhile, the European Court of Human Rights (ECHR) recently decided in favor of a secular (non-Jehovah's Witness) conscientious objector in Turkey, who had served an aggregate of nearly two years in jail following his various attempts to avoid military service. The ruling stated that Turkey had violated Article 3 of the European Convention on Human Rights ("prohibition of degrading treatment"), and awarded the objector 10,000 Euros in pecuniary damages.

110. (SBU) Comment: Based on its interpretation of the 1923

Lausanne Treaty, the Turkish state recognizes only three minority religious communities -- Greek Orthodox Christians, Armenian Orthodox Christians, and Jews. The problems facing Turkey's Jehovah's Witnesses are similar to those experienced by other non-recognized religious communities. Several Protestant congregations, for example, tell us they have submitted applications for legal recognition that have been similarly refused. While a number of groups have told us they are reluctant to engage in the judicial arena, fearing it will draw unwanted attention to their activities and members, others seek bureaucratic alternatives, such as banding with kindred groups around the country to form a foundation, rather than an association. (Note: Establishing a foundation requires a group have significant funds and is cost-prohibitive for many, but this status reportedly allows more operational flexibility in some areas, such as involvement in commercial activities.) The Jehovah's Witnesses' mounting frustration may lead them to seek recourse through Turkish courts and -- they have hinted -- ultimately the ECHR, for a solution. End comment.

JONES